

REMARKS

A. Background

Claims 1, 2, 4-11, and 13-17 were pending in the application at the time of the Office Action. All of the pending claims were rejected as being obvious over cited art. By this response applicant has not canceled, amended, or added any claims. As such, claims 1-2, 4-11, and 13-17 are again presented for the Examiner's consideration in light of the following remarks.

B. Acknowledgement of Foreign Priority Claim

The present application claims priority under 35 USC 119 to Australian Application No. 2003904675. A certified copy of the priority application was filed in the PTO on February 4, 2008, as evidenced by the PAIR system. Similar to the Office Action Summary of the prior Office Action, the Office Action Summary of the present Office Action again fails to acknowledge the claim of priority or receipt of the certified copy. Applicant once again respectfully requests that the Examiner acknowledge the claim of priority or receipt of the certified copy of the Australian priority application.

C. Claim Rejections Based on 35 USC § 103

1. Rejections based on combination of Eicher and Menninger

Pages 2-5 of the Office Action reject claims 1, 2, 4-7, and 9 under 35 USC 103(a) as being unpatentable over Eicher Jr. et al. (US 2002/0099598) in view of Menninger (US 2003/0088449). Specifically, the Office Action asserts that *Eicher* discloses the limitations of the rejected claims, but concedes that *Eicher* does not disclose "wherein said server informs said second trading entity via said communications network that they have been registered by said

first trading entity following registration of said second trading entity by said first trading entity,” as recited in independent claim 1. The Office Action then cites to paragraph [1509] of *Memninger* to allegedly cure this deficiency of *Eicher*, stating that it would have been obvious to add this limitation to *Eicher* based on *Memninger*. Applicant respectfully traverses this rejection.

In the prior Office Action dated April 29, 2008 (the “Prior Office Action”) the Examiner rejected claim 1 as being anticipated by *Eicher*, asserting that *Eicher* discloses “at least one second trading entity coupled to be in communication with said server via said communications network, said at least one second trading entity registered by said first trading entity as a trading partner of said first trading entity,” and citing to paragraphs [0065] and [0115] of *Eicher* in support without explanation. See pages 2-3 of the Prior Office Action. Similarly, in the Prior Office Action the Examiner asserted that *Eicher* discloses “a profile associated with each said trading entity, said profile specifying supply chain data to be communicated to and/or from one or more of said trading entities, each profile accessible by said server,” citing to paragraph [0087] of *Eicher* in support without explanation. In Applicant’s prior response submitted on August 29, 2008 (the “Prior Response”), Applicant amended claim 1 in part to recite “at least one second trading entity coupled to be in communication with said server via said communications network, said at least one second trading entity registered with said server by said first trading entity as a trading partner of said first trading entity.”

Applicant presented arguments in the Prior Response as to why *Eicher* does not disclose the limitations of claim 1 noted above. For example, Applicant pointed out that the cited paragraphs of *Eicher* provide no disclosure or suggestion of a second trading entity being registered by a first trading entity as a trading partner of the first trading entity or a profile specifying the supply chain data that is to be communicated to and/or from other trading entities.

In the present Office Action, although claim 1 is now rejected as being obvious over *Eicher* in view of other cited art, the Examiner still maintains that *Eicher* discloses the aforementioned limitations. In doing so, the Examiner has failed to answer the substance of Applicant's arguments, but has simply stated with regard to the aforementioned limitations that *Eicher* discloses:

at least one second trading entity coupled to be in communication with said server via said communications network, said at least one second trading entity registered with said server by said first trading entity as a trading partner of said first trading entity. [0065; 0115]

a profile associated with each said trading entity, said profile specifying supply chain data to be communicated to and/or from one or more of said trading entities, each profile accessible by said server; [0087]

Office Action at p. 3. In other words, the Office Action has simply again recited, *verbatim*, the limitations and pointed to the same paragraphs in *Eicher* to support the assertion that the limitations are disclosed therein.

Applicant submits that such an approach to examination is clearly inconsistent with established examination guidelines. Particularly, Applicant notes that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, *take note of the applicant's argument and answer the substance of it.*” MPEP § 707.07(f). *Emphasis added.* Because the Office Action has not answered the substance of the arguments presented by Applicant in the Prior Response, and because *Eicher* does not teach or suggest the aforementioned limitations, Applicant submits that the Office Action has failed to establish that *Eicher* discloses or teaches those limitations or that it would have been obvious to modify *Eicher* to include those limitations. Furthermore, Applicant submits that the further cited references do not cure this deficiency of *Eicher*. That is, none of the other cited references teach or suggest a second trading entity being registered by a first trading entity as a trading partner of the first

trading entity or a profile specifying the supply chain data that is to be communicated to and/or from other trading entities.

Even assuming, *arguendo*, that *Eicher* discloses those things alleged by the examiner, applicant submits that the further cited art fails to cure the deficiencies of *Eicher* set forth in the Office Action. As noted above, the Office Action has conceded that *Eicher* does not disclose “wherein said server informs said second trading entity via said communications network that they have been registered by said first trading entity following registration of said second trading entity by said first trading entity,” as recited in claim 1 and has cited to paragraph [1509] of *Memninger* to allegedly cure this deficiency of *Eicher*. Applicant submits that, contrary to the assertion of the Office Action, *Memninger* does not teach this limitation.

Paragraph [1509] of *Memninger* describes a process for updating information in a supply chain management framework with reference to FIG. 92. Paragraph [1509] recites:

FIG. 92 is a flowchart of a process 9230 for updating information in a supply chain management framework. A plurality of stores of a supply chain are registered utilizing a network in operation 9232. The registration includes receiving first identification information. Data is collected from a plurality of stores of the supply chain utilizing the network in operation 9234. This data relates to the sale of goods by the stores and includes second identification information more recent than the first identification information. Access to the data is allowed utilizing a network-based interface in operation 9236 so that in operation 9238 the first identification information can be compared with the second identification information in order to allow for the updating of the registration of the stores based on the comparison in operation 9240.

As such, while paragraph [1509] of *Memninger* discloses “A plurality of stores of a supply chain are registered...”, it does not state who or what registers the stores. In particular, *Memninger* does not state or even suggest that a second trading entity is registered by a first trading entity as a trading partner of the first trading entity, as recited in claim 1.

Furthermore, paragraph [1509] of *Memninger* states that the data collected from the stores “...relates to the sale of goods by the stores and includes second identification information...”.

“Access to the data is allowed ...so that the first identification information can be compared with the second identification information.” The stated purpose of the comparison is “...to allow for the updating of the registration of the stores based on the comparison...”. Therefore, following initial registration of the stores in the system of *Memminger*, data is collected relating to the sale of goods by the respective stores and the registration information for the respective stores is updated based on a comparison of the first and second identification information relating to the stores.

However, Applicant points out that paragraph [1509] of *Memminger* does not state or even suggest that a server informs a second trading entity via a communications network that the second trading entity has been registered by a first trading entity following registration of the second trading entity by the first trading entity, which is specifically recited in claim 1. Applicant submits that a person of ordinary skill in the art would not read paragraph [1509] and arrive at the aforementioned limitation of claim 1. Therefore, Applicant respectfully submits that the Examiner’s interpretation of paragraph [1509] of *Memminger* is incorrect.

In light of the above, Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness regarding claim 1 at least because the Office Action has not established that all of the claim limitations are disclosed in the allegedly obvious combination. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claim 1 be withdrawn.

Claims 2, 4-7, and 9 each depend from claim 1 and thus incorporate the limitations thereof. As such, Applicant submits that claims 2, 4-7, and 9 are distinguished over the cited art for at least the same reasons as discussed above with regard to claim 1. Accordingly, Applicant

respectfully requests that the obviousness rejection with respect to claims 2, 4-7, and 9 also be withdrawn.

2. Rejections based on combination of Ankireddipally and Menninger

Pages 5-7 of the Office Action reject claims 10, 11, and 13-16 under 35 USC 103(a) as being unpatentable over Ankireddipally et al (US 2002/0116205) in view of *Memninger*. Specifically, the Office Action asserts that *Ankireddipally* discloses the limitations of the rejected claims, but concedes that *Ankireddipally* does not disclose “informing said second trading entity via said communications network that they have been registered by said first trading entity via said server and said communications network that they have been registered by said first trading entity as a trading partner of said first trading entity,” as generally recited in independent claims 10 and 15. The Office Action again cites to paragraph [1509] of *Memninger* to allegedly cure this deficiency of *Ankireddipally*, stating that it would have been obvious to add this limitation to *Ankireddipally* based on *Memninger*. Applicant respectfully traverses this rejection.

In the Prior Office Action the Examiner rejected claims 10 and 15 as being anticipated by *Ankireddipally*, asserting that *Ankireddipally* discloses “registering with said server at least one second training entity as a trading partner of a said first training entity, said registering performed by said first trading entity,” and citing to paragraph [0087] of *Ankireddipally* in support without explanation. See page 8 of the Prior Office Action. In the Prior Response, Applicant amended claim 15 in part to recite “registering with the apparatus at least one second training entity as a trading partner of a said first training entity, said registering performed by said first trading entity.”

Applicant presented arguments in the Prior Response as to why *Ankireddipally* does not disclose the limitations of claims 10 and 15 noted above. For example, Applicant pointed out that the cited paragraphs of *Ankireddipally* provide no disclosure or suggestion of a second trading entity being registered by a first trading entity as a trading partner of the first trading entity.

In the present Office Action, although claims 10 and 15 are now rejected as being obvious over *Ankireddipally* in view of other cited art, the Examiner still maintains that *Ankireddipally* discloses the aforementioned limitations. In doing so, the Examiner has failed to answer the substance of Applicant's arguments, but has simply stated with regard to the aforementioned limitations that *Ankireddipally* discloses, "registering with said server at least one second training entity as a trading partner of a said first training entity, said registering performed by said first trading entity;...[0087]." Office Action at p. 6. In other words, the Office Action has simply again recited, *verbatim*, the limitation and pointed to the same paragraph in *Ankireddipally* to support the assertion that the limitation is disclosed therein.

Applicant again submits that such an approach to examination is clearly inconsistent with established examination guidelines, as discussed previously with regard to claim 1. Because the Office Action has not answered the substance of the arguments presented by Applicant in the Prior Response, and because *Ankireddipally* does not teach or suggest the aforementioned limitations, Applicant submits that the Office Action has failed to establish that *Ankireddipally* discloses or teaches those limitations or that it would have been obvious to modify *Ankireddipally* to include those limitations. Furthermore, Applicant submits that the further cited references do not cure this deficiency of *Ankireddipally*. That is, none of the other cited references teach or suggest a second trading entity being registered by a first trading entity as a

trading partner of the first trading entity or a profile specifying the supply chain data that is to be communicated to and/or from other trading entities.

Even assuming, *arguendo*, that *Ankireddipally* discloses those things alleged by the examiner, applicant submits that the further cited art fails to cure the deficiencies of *Ankireddipally* set forth in the Office Action. As noted above, the Office Action has conceded that *Ankireddipally* does not disclose “informing said second trading entity via said server and said communications network that they have been registered by said first trading entity as a trading partner of said first trading entity,” as recited in claim 10 and has again cited to paragraph [1509] of *Memninger* to allegedly cure this deficiency of *Ankireddipally*. Applicant submits that *Memninger* does not teach this limitation for at least the same reasons discussed above with regard to claim 1.

As such, Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness regarding claims 10 and 15 at least because the Office Action has not established that all of the claim limitations are disclosed in the allegedly obvious combination. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 10 and 15 be withdrawn.

Claims 11, 13, 14, and 16 each depend from either claim 10 or 15 and thus incorporate the limitations thereof. As such, Applicant submits that claims 11, 13, 14, and 16 are distinguished over the cited art for at least the same reasons as discussed above with regard to claims 10 and 15. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 11, 13, 14, and 16 also be withdrawn.

3. Rejections based on further cited art

Pages 8 and 9 of the Office Action reject claim 8 under 35 USC 103(a) as being unpatentable over the allegedly obvious combination of *Eicher* and *Memminger* and further in view of *Zarefoss et al* (US 2002/0138324). Pages 9 and 10 of the Office Action reject claim 17 under 35 USC 103(a) as being unpatentable over the allegedly obvious combination of *Ankireddipally* and *Memminger* and further in view of *Zarefoss*. *Zarefoss* is merely cited for allegedly disclosing various types of specific supply chain data.

Claims 8 and 17 respectively depend from claims 1 and 15 and thus incorporate the limitations thereof. As such, Applicant submits that even if combined in the allegedly obvious manners set forth in the Office Action, claims 8 and 17 do not cure the deficiencies of claims 1 and 15 as discussed above. Thus, claims 8 and 17 are distinguished over the cited art for at least the same reasons as discussed above with regard to claims 1 and 15. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 8 and 17 be withdrawn.

E. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-2, 4-11, and 13-17 as presented herein.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 25th day of February 2009.

Respectfully submitted,

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